IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13142 of 2004

Between:

N. Veerababu, S/o. Varalakshmi Prasada Rao, Hindu,
R/o. Gandhinagar, 2nd Street, Anaparthy, East Godavari District.

..... PETITIONER

AND

1 Andhra Bank, Rep by its General Manager,
(Personnel Department), Central Office, Sultan Bazar,
Hyderabad.
2 The Branch Manager, Andhra Bank, Regional Office,
Dwarapudi, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents herein in not regularising the service of the petitioner as Sub-Staff, Andhra Bank, as highly illegal, arbitrary and violative of Principles of Natural Justice, and with a consequential direction, directing the respondents herein to forthwith regularise the service of the petitioner as Sub-Staff in the Andhra Bank.

Counsel for the Petitioner: MRS.S.NANDA

Counsel for the Respondents: MR.NUTY RAM MOHAN RAO, S.C. for Andhra Bank.

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in not regularising the service of the petitioner as sub-staff as illegal, arbitrary and against the principles of natural justice and consequently to direct the respondents to regularise the service of the petitioner as sub-staff in the respondent-Bank.

The petitioner stated in the affidavit filed along with the present writ petition that he joined the respondent-Bank as a Temporary Sub-Staff in the year 1979 and worked in various branches of the respondent-Bank. He stated that a scheme has been formulated by the respondent-Bank to absorb the Sub-Staff who are working on casual basis. He further stated that his name is at serial No.62 in the Empanelment List prepared by the respondent-Bank for the purpose of considering the sub-staff for regular appointment. Though the respondent-Bank promoted several persons working as sub-staff, the petitioner's case was not considered for promotion. Therefore, he approached this Court by way of filing the present writ petition.

Heard the learned Counsel for both the parties and at their request the writ petition itself is taken up for disposal at the admission stage

and perused the material available on record.

Learned Counsel for the respondents submitted that a scheme has been formulated by virtue of memorandum of settlement dated 09-01-1995 arrived at under Section 12(3) of Industrial Disputes Act, 1947 between the respondent-Bank and the employees' Union of the respondent-Bank regarding the Empanelment and absorption of temporary candidates in sub-ordinate cadre. He contended that the name of the petitioner would be considered at the appropriate time after considering the names of the persons who are seniors to him.

One of the terms of the settlement dated 09-01-1995 reads as under:

> *" The Bank will engage the services of the empanelled candidates under this settlement along with already existing panel candidates, if any, in leave vacancies in their respective districts by rotation for a maximum period of 30 days at a stretch till such time, the scope for their absorption arises."*

Though the grievance of the petitioner is that he is not given regular employment, he did not bring to the notice of this Court any violation, on the part of the respondent-Bank, of any of the terms of the said settlement dated 09-01-1995.

In the light of the facts and circumstances of the case, the only direction that could be given to the respondent-Bank is that it shall consider the candidature of the petitioner at the appropriate time as per the terms of the said settlement and the existing Rules.

The writ petition is accordingly disposed of at the admission stage. No order as to costs.

29-07-2004

ghn

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager,Andhra Bank, (Personnel Department), Central Office, Sultan Bazar, Hyderabad.

2 The Branch Manager, Andhra Bank, Regional Office, Dwarapudi, East Godavari District.

3. Two CD copies.